

**Notice of Allowability****Application No.**

08/447,496

**Applicant(s)**

HARVEY ET AL.

**Examiner**

KEVIN BATES

**Art Unit**

2456

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERIT IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to March 6, 2003.
2. ☒ The allowed claim(s) is/are 2-5, 9-14, 16 and 18-21.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of the:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.  
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached  
1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.  
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.  
**Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date See Continuation Sheet
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

/KEVIN BATES/  
Primary Examiner, Art Unit 2456

Continuation of Attachment(s) 3. Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date: 3-14-03, 5-5-03, 12-11-95, 12-22-95, 2-6-96, 4-7-97, 6-9-99, 5-11-01, 3-19-02, 6-18-02.

### **EXAMINER'S AMENDMENT**

This Office Action is in response to a communication made on March 6, 2003.

Claims 2-5, 9-14, 16, and 18-21 are currently pending.

The Information Disclosure Statements received March 14, 2003 and May 5, 2003 have been considered.

The Power of Attorney has been received August 3, 2007.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Carl Benson and Thomas Scott on March 22, 2010.

The application has been amended as follows:

**In the claims:**

1. (Cancelled)

2. (Currently amended) A method of processing video signals at a receiver station based on at least one information transmission, the method comprising the steps of:

receiving information content and a first control signal in said at least one information transmission at said receiver station, said information content describing at least one of a product and a service;

generating a benefit datum in response to said first control signal by processing subscriber specific data at said receiver station;

delivering said information content and said benefit datum at an output device at said receiver station, wherein said information content and said benefit datum explain a benefit of acquiring said product or service specific to said subscriber;

receiving a subscriber input at said receiver station after said step of delivering;  
and

controlling said receiver station based on said subscriber input.

3. (Previously presented) The method of claim 2, further comprising the step of storing said subscriber specific data at a computer at said receiver station.

4. (Previously presented) The method of claim 2 wherein said subscriber input modifies said subscriber specific data.

5. (Currently amended) A method of communicating recommendations to a subscriber, said method comprising the steps of:

(1) storing subscriber specific data of said subscriber at a subscriber station;

(2) receiving at said subscriber station at least one first instruct signal which is effective to cause said subscriber station to generate and present a first subscriber specific recommendation to said subscriber based on said stored subscriber specific data;

generating said first subscriber specific recommendation based on said stored subscriber specific data in response to processing said at least one first instruct signal, wherein said first subscriber specific recommendation does not exist prior to receiving said at least one first instruct signal at said subscriber station;

(3) receiving subscriber input at said subscriber station responsive to said first subscriber specific recommendation; and

(4) transmitting information to a remote station based on said subscriber input.

6-8. (Cancelled)

9. (Previously presented) The method of claim 5, said method further comprising receiving at said subscriber station at least one second instruct signal which is effective to cause said subscriber station to present a second subscriber specific recommendation based on said subscriber input and said stored subscriber specific data.

10. (Previously presented) The method of claim 2, wherein said information content comprises a commercial.

11. (Previously presented) The method of claim 10, wherein said commercial is stored at said receiver station prior to said step of delivering.

12. (Previously presented) The method of claim 10, wherein said commercial is selected from a plurality of commercials based on said subscriber specific data.

13. (Previously presented) The method of claim 11, wherein said step of delivering comprises delivering said commercial from storage at said receiver station.

14. (Previously presented) The method of claim 13 wherein said step of delivering is performed based on a schedule.

15. (Cancelled)

16. (Previously presented) The method of claim 14, wherein said schedule is stored at said receiver station.

17. (Cancelled)

18. (Currently amended) A method of processing signals at a receiver station ~~based on one of at least one broadcast transmission and at least one cablecast transmission~~ to deliver a series of presentations, the method comprising the steps of:

- (a) receiving at said receiver station a first control signal and at least one of video and audio in ~~said at least one~~ a first transmission;
- (b) generating first information by processing data at said receiver station in response to said first control signal;
- (c) delivering a first presentation including said at least one of video and audio and said generated information at an output device at said receiver station;
- (d) receiving a subscriber response to said delivered ~~at least one of video and audio~~ presentation;
- (e) transmitting said subscriber response to a data collection station;

(f) ~~completing receiving~~ a second control signal based on said ~~received~~  
~~transmitted~~ subscriber response ~~and said generated information and~~ and responses  
from other subscribers;

(f) (g) ~~controlling~~ generating second information at said receiver station in  
~~accordance with~~ response to said second control signal, and

(h) delivering a second presentation including said second information at said  
output device at said receiver station.

19. (Previously presented) The method of claim 5, wherein said instruct  
signal is received from a first transmitter, and said subscriber specific recommendation  
is further based on information specific to said first transmitter.

20. (Previously presented) The method of claim 19, wherein said first  
transmitter receives at least a portion of said instruct signal from a second transmitter,  
and said subscriber specific recommendation is further based on information specific to  
said second transmitter.

21. (Currently amended) A method of delivering a receiver specific  
output at a video receiver station to explain a benefit of an offer made to a specific user  
through said video receiver station including:



receiving at least one information transmission at said video receiver station, said at least one information transmission including video, generally applicable ~~information~~ information, and a control signal;

storing said generally applicable information and said control signal at said video receiver station;

outputting said video at a video monitor;

selecting at least one receiver specific benefit datum to output from said generally applicable information in accordance with said control signal; and

outputting said selected at least one receiver specific benefit datum in a time of specific relevance during said outputting of said video in response to at least a second control signal, wherein said outputting of said video and said outputting of said selected at least one receiver specific benefit datum explain said benefit of said offer to said specific user of said video receiver station.

### ***Reasons for Allowance***

The following is an examiner's statement of reasons for allowance:

Regarding claims 2, 5, and 21; the closest and most relevant prior art (Freeman, 4,507,680; Freeman 4,602,279; and McKenna, 4,658,290) fails to teach, suggest, or make obvious a receiver device, in a television broadcast system, performs the generation of the output, where the output is specialized for the particular subscriber to recommend a product or a service.

Regarding claim 18, the closest and most relevant prior art (Freeman, 4,507,680; Freeman 4,602,279; and McKenna, 4,658,290) fails to teach, suggest, or make obvious a receiver device which generates output based on a received signal and that receiver receiving a second signal, that second signal being created in response to input from the subscriber and from responses made by other subscribers.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KEVIN BATES whose telephone number is (571)272-3980. The examiner can normally be reached on M-F 8 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/KEVIN BATES/  
Primary Examiner, Art Unit 2456